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COMMISSION ON HUMAN RIGHTS

Inter-sessional open-ended working group
on a draft optional protocol to the
Convention on the Rights of the
Child on involvement of children in
armed conflicts
First session
31 October - 11 November 1994

COMMENTS ON THE PRELIMINARY DRAFT OPTIONAL PROTOCOL

Report of the Secretary-General

Addendum

The present document contains comments submitted by the Government of New Zealand.

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NEW ZEALAND

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[26 October 1994]

1. The draft optional protocol which is elaborated by the Working Group of the Commission on Human Rights will clearly need to be flexible enough to take account of a wide range of national situations, and therefore it is important that States' views should be heard and considered. It is desirable that the final optional protocol be one which a high proportion of States will ratify. New Zealand notes that the draft prepared by the Committee on the Rights of the Child is intended to form one basis of discussion in the Working Group, and would also encourage discussion on a broader basis.

2. The New Zealand Government is conscious that considerable discussion of the issues relating to ages of recruitment and engagement in hostilities took place at the time of the elaboration of the Convention on the Rights of the Child. This demonstrates the need for a range of views to be accommodated in relation to these issues.

3. The New Zealand Government would like to comment on the content of the Committee's draft articles 1 and 2, in particular.

4. In relation to draft article 2, New Zealand notes that a number of countries are likely to have difficulties with the proposal for raising the recruiting age to 18 years. New Zealand would support the raising of the age to 16 years. New Zealand considers this to be an appropriate lower age level for recruitment, taking into account inter alia that it is desirable for young people to be provided with the option of entering the defence forces at a time when they are considering career alternatives.

5. In relation to draft article 1, New Zealand can accept the raising of the age for engagement in armed hostilities, provided that the operational requirements of particular services may be taken into account. New Zealand believes this would be a reasonable modification of the draft article, taking into account the logistics of naval service in particular.

6. Lastly, the New Zealand Government wishes to note its concern about the third and fourth preambular paragraphs in the Committee's draft optional protocol. While the significance of developing new standards for the added protection for children in situations of armed conflict is recognized, the language of the eventual protocol should not be susceptible to the interpretation that it is necessary for a State to be a party to the protocol in order to implement fully the parent Convention.